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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ANGEL LUDIZACA, et al.,

Plaintiffs,

v.

GFB RESTAURANT CORP. *doing business*  
as IL MULINO RESTAURANT, et al.,

Defendants.

No. 13-CV-9180 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

On August 31, 2015, this Court directed the parties to submit either a joint letter setting forth their views as to why their settlement is fair and reasonable and should be approved by the Court, or a stipulation of voluntary dismissal without prejudice pursuant to Federal Rule of Civil Procedure 41 no later than September 8, 2015. The Court subsequently extended the deadline to December 30, 2015.

On December 30, 2015, the parties submitted a voluntary dismissal “*with prejudice*, against all Defendants pursuant to Federal Rules of Civil Procedure 41(a)(1)(A)(ii).” Dkt. 42 (emphasis in original). As this Court stated in its August 31, 2015 Order, however, “the parties may not file a Rule 41 stipulation for dismissal of the action with prejudice unless they obtain approval of their settlement” in light of the Second Circuit’s decision in *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015).<sup>1</sup>

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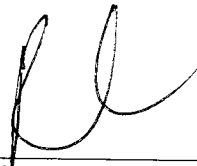
<sup>1</sup> The Second Circuit’s decision does not preclude the dismissal of an FLSA case without prejudice pursuant to a Rule 41(a)(1)(A) stipulation. *See Cheeks*, 796 F.3d at 201 n.2.

It is hereby ORDERED that the parties shall submit either a joint letter setting forth their views as to why their settlement is fair and reasonable and should be approved by the Court, or a stipulation of voluntary dismissal *without prejudice* pursuant to Federal Rule of Civil Procedure 41 no later than January 18, 2016. No further extensions will be granted absent good cause.

The Clerk of Court is respectfully directed to reopen the case.

SO ORDERED.

Dated: January 4, 2016  
New York, New York

A handwritten signature in black ink, appearing to be 'RA' or similar, written over a horizontal line.

Ronnie Abrams  
United States District Judge

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ANGEL LUDIZACA, a/k/a ANGEL REMACHE, and  
CLEBER LUDIZACA, a/k/a RODRIGO REMACHE,  
individually and on behalf of other persons similarly  
situated,

*Plaintiffs,*

-against-

GFB RESTAURANT CORP., d/b/a "IL MULINO"  
RESTAURANT, JERRY KATZOFF, and BRIAN  
GALLIGAN,

*Defendants.*

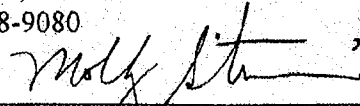
Case No.: 13 Civ. 9180 (RA)

**STIPULATION OF VOLUNTARY DISMISSAL PURSUANT TO F.R.C.P. 41(a)(1)(A)(ii)**

IT IS HEREBY STIPULATED AND AGREED by and between the parties in the above-captioned action, through their respective counsel, that the above-captioned action is voluntarily dismissed, with prejudice, against all Defendants pursuant to the Federal Rules of Civil Procedure 41(a)(1)(A)(ii).

CONNOVER LAW OFFICES  
Attorneys for Plaintiffs  
345 Seventh Avenue, 21<sup>st</sup> Floor  
New York, NY 10001  
(212) 588-9080

By:


  
Bradford D. Conover, Esq.  
Molly Smithsmon, Esq.

Dated:

June 18, 2015

DAVIS & GILBERT LLP  
Attorneys for Defendants  
1740 Broadway  
New York, NY 10019  
(212) 468-4800

By:

  
Gregg Brochin, Esq.

Dated:

6/18/15